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4 IN THE UNITED STATES DISTRICT COURT

5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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In re:

PACIFIC THOMAS CORPORATION,

Debtor

Case No. 19-cv-06194-MMC

Bankruptcy Case No. 14-54232 MEH

**ORDER DENYING
APPELLANT/CREDITOR'S
APPLICATION TO PROCEED
WITHOUT PREPAYING COSTS;
DIRECTIONS TO
APPELLANT/CREDITOR**

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14 Before the Court is appellant/creditor Welton Penney's "Application to Proceed in
15 District Court Without Prepaying Fees or Costs," filed in the bankruptcy court on August
16 30, 2019. Having read and considered the application, the Court rules as follows.

17 Although the filing fee to commence an appeal from a bankruptcy court order is
18 \$298, a district court may authorize an appellant to commence an appeal without
19 payment of the filing fee, if the appellant demonstrates that he is "unable to pay such fee[]
20 or give security therefor." See 28 U.S.C. § 1915(a)(1).

21 In his application, appellant/creditor states he is not employed, has no cash or
22 other assets, and has no debts of any kind. The bankruptcy court docket, however,
23 indicates appellant/creditor recently paid a filing fee of \$181 and, in addition, ordered two
24 transcripts on an expedited basis, which order necessarily required him to "make
25 satisfactory arrangements with the reporter for paying the cost of the transcript[s]." See
26 Fed. R. Bankr. Proc. 8009(b)(4). Under such circumstances, it appears appellant's
27 application is deficient, as it fails to disclose the source for such expenditures.

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Accordingly, the application is hereby DENIED.

1 If appellant/creditor wishes to proceed with the instant appeal, he must, no later
2 than November 1, 2019, pay the filing fee or, alternatively, file a new application that
3 clarifies his financial condition. If, by November 1, 2019, appellant/creditor has not paid
4 the filing fee or submitted a sufficient application, the Court will dismiss the above-
5 referenced appeal without prejudice.

6 **IT IS SO ORDERED.**

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8 Dated: October 15, 2019


MAXINE M. CHESNEY
United States District Judge

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